REMARKS

This request is in response to the Examiner's Office Action dated 4/21/2004. This response should obviate outstanding issues and make the remaining claims allowable. Reconsideration of this application is respectfully requested in view of remarks that follow.

STATUS OF CLAIMS

Claims 1-8, 10-18, and 20-28 are pending.

Claims 1, 8-10, 21, 28, 29, and 31 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Apfel et al. (USP 5,974,454).

Claims 11, 18, 19, 20, and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Boutcher (USP 6,493,768).

Claims 2, 3, 6, 7, 22, 23, 26, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Apfel et al. (USP 5,974,454) in view of Hunt (USP 6,381,735).

REJECTIONS UNDER 35 USC § 102

Independent claims 1, 10, and 21 were rejected under 102(a) as anticipated by Apfel et al. (USP 5,974,454). To be properly rejected under 35 USC §102, each and every element of claims must be disclosed in a single cited reference. The applicant, however, contends that the presently claimed invention cannot be anticipated in view of the '454 reference. With regards to independent claims 1, 10, and 21, examiner has cited Apfel et al. as providing for dynamic linking a program component to an allocated memory component for executing an active process. A closer reading of the sections cited by the examiner in col. 12 lines 29-30, col. 2 lines 28-35 reveals that Apfel simply prompts a user to decide whether to download a new, upgraded version

Page 2 of 5

of program based on a date stored in a registry key on a computer. Thus, the Apfel method allows a user to choose, manually, to halt active processes in order to download and install an upgrade package.

By contrast, the present invention does not require download and subsequent installation of a program; rather, processing occurs with respect to a first message received from a client within which version information is indicated. In this manner, it is not necessary to halt one or more active processes, and a compatible version of a program component is dynamically linked for simultaneous processing of multiple program versions. Specifically, the Apfel reference does not teach the following, as taught by the present invention:

- memory *allocated to an active* process;

- *dynamically linking* to allocated memory for the execution of a process;

- linking to allocated memory *based on version information from a first message received from the client;*

- *transferring* program components between storage and memory, for executing active processes;

- *dividing* between two tables, locations of a plurality of versions of program components; and

- dynamically locating and linking the appropriate program component *based solely on version information from the first client message.*

Additionally, the Apfel method displays a dialog box to a user asking whether user wants to proceed. If a user does indeed wish to proceed, an HTTP message is sent to a database server, querying the database server for an upgrade, and if there is on update to be had, then a user must initiate an HTTP download query, install upgrade packed, and update registry key all before processing any type of request processing etc. In stark contrast the present invention is able to

dynamically link an appropriate program component corresponding to information from a single message from the client, and therefore dynamically process a request. In this manner, the present invention obviates the necessity for a client to download, install, and configure a new program version.

It should be noted that the above-mentioned arguments regarding independent claims 1, 10, and 21 equally apply to their corresponding dependent claims in at least that they inherit the limitations of the claim from which they depend.

Independent claims 11 and 20 were rejected under 102(e) as anticipated by Boutcher (USP 6,493,768). The examiner has cited the Boutcher references as providing for the dynamic linking of a program component and executing the processing of a client request. However, a closer look of the Boutcher reference shows only a mapping between an older, first version of a request from a client and a second, newer version of a request, _wherein a server only stores the new version of the program component;_ hence, the server does not store an old version of the program component. Furthermore, mapping as shown in the Boutcher reference is not dynamic; rather it is performed by a pre-programmed LUT. Thus, the Boutcher reference cannot possibly show distributed object execution control unit dynamically linking distributed objects corresponding to version information contained in the first message; this is due to the fact that if the first message received from the client is in an older version of the program component, it is mapped to the new version, as opposed to being dynamically linked to the old versioned program component.

It should be noted that the above-mentioned arguments regarding independent claims 11 and 20 equally apply to their corresponding dependent claims in at least that they inherit the limitations of the claim from which they depend. Additionally, the rejection with respect to claim 9 is considered moot in view of its cancellation in the previous amendment.

SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this response has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0441.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,

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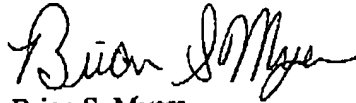Alexandria, Virginia 22314
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09/729,015

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Page 5 of 5